

ORIGINAL

Case No.: 1-19-cv-03372-AMD-RML

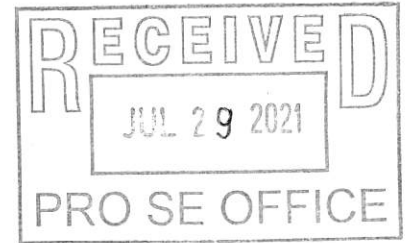
Date July 27, 2021

Hon. Ann M. Donnelly

United States District Court

Eastern District of New York

Dear Judge Donnelly,



*Rec. from dkt box on 8/3/21 rg

I Yehuda Herskovic am the plaintiff in this action.

On July 13, 2021, the Court entered an order "The defendant is directed to file a letter by July 20, 2021, with step-by-step instructions for initiating an arbitration before the AAA."

On July 19, 2021, the defendant entered a "status report" stating "When sending a demand to the AAA, the claimant must also send the following: ? The proper filing fee (the AAA filing fee is currently \$200.00 for consumer arbitrations)."

Per the disputed Customer Agreement, upon which defendant claims is an arbitration agreement, the following is provided:

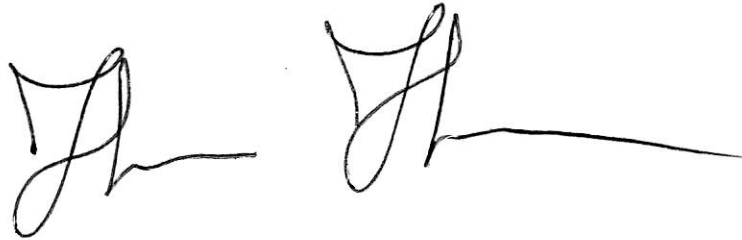
IF WE ARE UNABLE TO RESOLVE OUR DISPUTE WITHIN 30 DAYS, EITHER PARTY MAY THEN PROCEED TO FILE A CLAIM FOR ARBITRATION. WE'LL PAY ANY FILING FEE THAT THE AAA OR BBB CHARGES YOU FOR ARBITRATION OF THE DISPUTE. IF YOU PROVIDE US WITH SIGNED WRITTEN NOTICE THAT YOU CANNOT PAY THE FILING FEE, VERIZON WIRELESS WILL PAY THE FEE DIRECTLY TO THE AAA OR THE BBB. IF THAT ARBITRATION PROCEEDS, WE'LL ALSO PAY ANY ADMINISTRATIVE AND ARBITRATOR FEES CHARGED LATER, AS WELL AS FOR ANY APPEAL TO A PANEL OF THREE NEW ARBITRATORS (IF THE ARBITRATION AWARD IS APPEALABLE UNDER THIS AGREEMENT; (ECF 13-5).

It appears that defendant is attempting to improperly shift to plaintiff the burden of paying to initiate the compulsory arbitration, even though the disputed Customer Agreement states otherwise.

Wherefore, plaintiff requests, that if the plaintiff must pay the fees to initiate and proceed the compulsory arbitration, that be plaintiff be allowed to move for partial judgment against defendant upon proof of such payment.

Respectfully submitted,

Yehuda Herskovic, yhm1234@yahoo.com, **347 731 8818**

A handwritten signature in black ink, consisting of a stylized 'YH' followed by a horizontal line.